

# **Exhibit Z**

1 A It was an affidavit and arrest warrant from our  
2 department which happened to be a violation of a  
3 no contact order.

4 Q So now you've arrested him twice for violation  
5 of a no contact order. Did Mr. Silva advise you  
6 that this no contact order had been terminated?

7 MR. BURNS: Objection. You can  
8 answer.

9 A I don't recall. I told him that he had a  
10 warrant and that was the reason for my contact  
11 with him, and he stated that he did not have a  
12 warrant.

13 Q Right. But the warrant was for violation of the  
14 no contact order; right?

15 MR. SCHULTHEIS: Objection.

16 Q Right?

17 A Yes.

18 Q In fact, that's what your report specifically  
19 states. It says that you were working a casino  
20 detail. It says that you knew him from prior  
21 contact. So you knew him; right?

22 A Yes.

23 Q And you saw him with Darcie Silva again;  
24 right?

1 MR. BURNS: Objection. You can  
2 answer.

3 A I don't believe Darcie was there that night.

4 Q All right. And you arrested him again for the  
5 same violation of the same no contact order that  
6 you had arrested him several months earlier in  
7 September; right?

8 MR. BURNS: Objection. You can  
9 answer.

10 MR. SCHULTHEIS: Objection.

11 A Yes. I believe it was -- I don't know if it was  
12 the same order from the original arrest back in  
13 September, but it was a violation of a no  
14 contact order.

15 Q And you don't recall if Mr. Silva said, "Wait a  
16 minute. This has been terminated. I was  
17 arrested earlier and I went to court and they  
18 threw it out because the no contact order was  
19 terminated." He told you that; right?

20 MR. BURNS: Objection.

21 A He told me that he didn't have a warrant.

22 Q Well, he told you the no contact order had  
23 ended. It terminated. It's gone; right?

24 MR. SCHULTHEIS: Objection.

1 that would be the same thing. I would let them  
2 go and tell them to contact the courts and get  
3 that squared away.

4 Q Okay. Sergeant Barboza had never communicated  
5 any information to you about this September 10  
6 order being dismissed?

7 A That's not common practice in our department.  
8 When cases go to court, we -- as a patrol, we  
9 rarely ever, you know, follow-up with any of our  
10 pending cases, unless we have to go to trial or  
11 situations like this.

12 MR. SCHULTHEIS: I don't think I have  
13 any further questions. Thank you, Sergeant.

14 MR. CUNHA: I just want to clarify.

16 EXAMINATION

17 Q (By Mr. Cunha) So you arrested him on  
18 September 10 -- I mean September 8. I'm sorry.  
19 And on September 10, two days later, the case  
20 was dismissed. Is that your understanding?

21 A That is my understanding, yes.

22 Q Did Sergeant Barboza ever tell you the case had  
23 been dismissed?

24 A No.